

Application of James P. Conner
Serial No. 09/995,120
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of the rejected claim. As to claims 1-11 and 13-21, Dahl neither shows nor suggests an aircraft control system that includes a special reversionary mode comprising entering into a known, safe flight path upon receiving a trigger, as Applicant has claimed. Instead, Dahl describes a system for *alternate*, wireless aircraft control that provides redundant control of flight surfaces in the event that the primary means of control is damaged or destroyed.

In use, Dahl's system deactivates the conventional flight control system of an aircraft and simultaneously activates the secondary wireless control system. Col. 10, lines 40-44. Thus, if an aircraft equipped with Dahl's system suffers, for example, a hydraulic failure, the pilot can still control the aircraft from the flight deck via the secondary system. Col. 10, lines 57-62. Dahl also suggests that a disabled aircraft, or one with a disabled pilot, can be controlled externally, but since the system is not designed to prevent unauthorized control of an aircraft, Dahl makes no suggestion of entering a known, safe flight path beyond the control of the flight deck.

All of Applicant's presently pending claims, either directly or through dependence from other claims, include the limitation of disabling cockpit control of the aircraft and enabling a special reversionary mode wherein the reversionary mode comprises entering into a known, safe flight path. Dahl therefore fails to anticipate claims 1-11 and 13-21.

Response to Rejection under 35 U.S.C. §102(b) (Borthayre)

The Examiner also relied on the French reference, FR 2,584,842 (Borthayre) to reject claims 1-11 and 13-21 under 35 U.S.C. §102(b). Borthayre generally describes a system that redirects aircraft control to a secondary location, the system being activated "without any human input merely by the accelerated heart rate resulting from the fear or emotion of persons threatened by terrorists." See claim 1. In addition, aircraft control in Borthayre results in "the control tower

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taking complete and exclusive control of [the aircraft]" through the use of "dual controls of the type found in aviation schools." See page 2 of translation. Borthayre thus neither shows nor suggests enabling a special reversionary mode comprising entering into a known, safe flight path upon receiving a trigger, as Applicant has claimed. Instead, to use Borthayre's system, a trained pilot must manually fly a hijacked aircraft from a control tower.

Applicant's presently pending claims 1-11 and 13-21, either directly or through dependence from other claims, include at least the limitation of establishing a safe, predefined flight path for the aircraft, the special reversionary mode being triggered either 1) manually; 2) externally; or 3) automatically based on deviation from a known flight path. Borthayre neither shows nor suggests such triggering, and instead discloses and expressly claims a system that is activated "under the effect of fear or emotion of the [aircraft's] occupants." Page 2 of translation; see also claims 1-4. Moreover, Borthayre does not suggest there is any motivation for modifying his system to include other types of triggers, and in fact strongly suggests that using heart rate to trigger the system, rather than other possible methods, is one of the novel and more useful features of his invention.

Borthayre neither shows nor suggests either an external, manual, or automatic trigger or a predefined, safe flight path executed as a result of the trigger as Applicant claims, and thus fails to anticipate the invention.

CONCLUSION

In light of the foregoing, both Dahl and Borthayre fail to anticipate claims 1, 9, and 10. Notice of the allowance of claims 1, 9, and 10 is therefore requested. Claims 2-8, 11, and 13-21 depend ultimately from claims 1, 9, and 10, so the allowance of claims 2-8, 11, and 13-21 will follow directly from the allowance of claims 1, 9, and 10. Applicant therefore submits that the


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application is now in condition for allowance, and notice to that effect is hereby requested. Should the Examiner feel that further dialog would advance the subject application to issuance, he is invited to telephone the undersigned at any time at (312) 935-2373.

Respectfully submitted,
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